IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25011 of 2004

Between:

D.Sudershan, S/o Pentaiah,
R/o Rudrur, Varni Mandal, Nizamabad District.

..... PETITIONER

AND

1 The Collector (Panchayat Raj), Nizamabad, Nizamabad District.
2 The District Panchayat Officer, Nizamabad, Nizamabad District.
3 The Gram Panchayat, Rudrur, rep., by its Panchayat Secretary,
Nizamabad District.
4 Masetty Gangadhar, s/o Venkataiah, r/o Rudrur, Varni Mandal,
Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus declaring the proceedings of the 2nd respondent dt.21-12-2004 in Memo No.897/04-B2(PR) as illegal, null void and without jurisdiction and consequentially declare the proceedings of the 3rd respondent dt.4-2-2004 as illegal, null void.

For the Petitioner: MR.K.DURGA PRASAD, Advocate

For the Respondent Nos.1 and 2: GP FOR PANCHAYAT RAJ & RURAL DEV.

For the Respondent No.3: Smt. Jyothi Eswar G., SC for Rudrur Gram Panchayat

For the Respondent No.4: --

The Court at the stage of admission made the following :

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ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Panchayat Raj and Rural Development appearing on behalf of respondent Nos.1 and 2, and the learned Standing Counsel for third respondent-Gram Panchayat and with their consent the writ petition is finally disposed of at the stage of admission.

The petitioner claims to have Ac.1-02 cents of agricultural land in Survey No.897 of Rudrur village in Nizamabad District. He states that Survey Nos.923, 924, 922 and 921 are his adjacent agricultural lands belonging to other pattadars, and third respondent-Gram Panchayat without having any layout and proper plan and without following the building rules and due process laid under law, has been granting permissions to various persons to construct houses in the said survey numbers, as a result thereof the approach to Survey No.923 is totally cut off from the main road and it becomes difficult to him to go for agricultural operations in his land in Survey No.897. The petitioner also states that when the fourth respondent started construction in the said survey number closing the way to his land, he filed a suit in O.S. No.185 of 2003 on the file of Junior Civil Judge, Bodhan for injunction and during the pendency of the said suit, the second respondent issued the impugned order, dated
21-12-2004 allowing the fourth respondent to construct house as per the permission granted by the third respondent-Gram Panchayat. His grievance is that though he submitted several representations to the Gram Panchayat and District Authorities, the latest of which is submitted to the first respondent-District Collector dated 20-12-2004, no action has been taken so far. Hence, the writ petition.

Having regard to the facts and circumstances of the case, I deem it appropriate to direct the first respondent-District Collector, Nizamabad to consider and dispose of the representation said to have been submitted by the petitioner, dated 20-12-2004 in accordance with law. If the fourth respondent closes the way of the petitioner to his land, the petitioner is at liberty to move the Civil Court where the suit filed by him in O.S. No.185 of 2003 is pending, for appropriate relief. The parties shall maintain status quo existing as on today for a period of three weeks from today.

With the above directions, the writ petition is disposed of at the stage of admission. No costs.

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N.V. RAMANA, J

Date: 31-12-2004

Note:

Issue copy by wire at party's costs.

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To

1 The Collector (Panchayat Raj), Nizamabad, Nizamabad District.
2 The District Panchayat Officer, Nizamabad, Nizamabad District.
3 The Panchayat Secretary, Gram Panchayat, Rudrur, Nizamabad District.
4 Two CCs. to the Government Pleader for Panchayat Raj and Rural Development, High Court Buildings, A.P., Hyderabad (OUT).

5 Two CD copies.